

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.289 OF 2007**

Anand Laxminarayan Rao ...Applicant.
V/s.
The State of Maharashtra & Anr. ...Respondents.

Smt. Anjali Patil, adv. for the Applicant.
Smt.M.H.Mhatre, APP for the Respondent/State.

**CORAM: J.H.BHATIA, J.
DATE : 22nd February, 2007.**

P.C.:

1. Heard Ms.Anjali Patil, the learned counsel for the applicant and Mrs.Mhatre, the learned APP for the State.

2. The applicant was arrested on 24-2-2006 on a charge of kidnapping the prosecutrix, confining her in a room of co-accused Shivaji and then committing rape on her repeatedly during the period of 3 days from 22nd February to 24th February, 2006. According to the prosecutrix, she and her husband used to work as labourers under the present applicant, who is contractor. On earlier two occasions, the present applicant had taken her on his motor-cycle from one site to another site of work. On 22nd February, 2006 also on a similar pretext, the accused had taken her on his motor-cycle but then she was taken to the room of Shivaji and was confined there. At that place under a

threat to her life, she was raped on number of occasions. Finally she was released from the said house after her sister-in-law noticed that she was confined in the house. Report was lodged on 24-2-2006.

3. The learned counsel for the applicant tried to contend that the prosecutrix appears to be a consenting party and therefore, bail may be granted to the accused/applicant.

4. It is material to note that the offence was committed one year before and since then, the present applicant is in custody. The learned APP Mrs.Mhatre informs that the charge-sheet has been filed long back and now the matter is fixed for framing of charge on 6th March, 2007. In view of this, the trial may commence very soon. In my opinion, in view of the nature of offence it will not be in the interest of justice to grant bail to the accused, just before commencement of the trial.

5. The application stands rejected.

6. The learned Sessions Judge, Bombay is directed to expedite the trial and dispose off the case as early as possible and in any case, within three months.

(J.H.Bhatia, J.)